

REMARKS

Claims 1, 3-5, 17-28, 30, 32, and 33-35 remain pending in the Application. Claim 1 has been amended. Claims 34 to 36 have been added.

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The foregoing amendment is submitted to more clearly set forth the claimed invention and to highlight the differences between the claimed invention and the cited prior art.

10           Claims 34 to 36 have been added as new claims. Claim 34 sets forth the signal generating means as an indicating agent, and claim 35 sets forth the indicating agent having a binding affinity for the corresponding substance. Support for claims 34 and 35 is found on page 5, lines 7-11. Claim 36 sets forth the at least one complement being affixed to the substrate surface having a corresponding substance bound thereto.  
15           Support for claim 35 is found on page 5, lines 21-23.

20           Claims 1, 3-5, 30 and 32-33 stand "rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." The rejection is hereby traversed and reconsideration is respectfully requested. Applicants have amended Claim 1 to clarify the subject matter, which Applicants regard as the invention.

The invention is now characterized in Claim 1 as a device, which includes a substrate, at least one complement, signal generating means and a protective coating. Support for the description of the substrate, the complement, the signal generating means and the protective coating as now set forth in amended claim 1 is found throughout the specification and furthermore is commonly employed in most type of assays.

- To preserve and extend the life of the indicating agent, a protective coating is then applied to cover the substrate surface that has been contacted with the sample.
- 10 The problem the present invention seeks to resolve, relates to premature degradation or interference of signal generating means such as the indicating agents to preserve test results. It is implicit that the device requires the sample to have been in contact with the substrate surface, before the addition of the protective coating. This aspect of the device is apparent from the examples, and particularly Example 1 starting on page 16 describing the preparation of a microarray substrate (i.e. an example of the device suitable for use in an assay) and the testing of the protective coating, and from the Specification on page 3, line 22 to page 4, line 11, and on page 5, line 5 to page 6, line 9.
- 20 The device of claim 1 includes a substrate having a surface for supporting at least one complement at fixed locations thereon, and each of the complement having a binding affinity for a corresponding substance. Support for these features as claimed, is found, for example, on page 2, lines 14-16, page 4, lines 15-23, and page 5, lines 5-12.

The device of claim 1 further includes the signal generating means, which is adapted to generate a detectable signal at locations where a complement is bound to its corresponding substance. Support for this feature as claimed is found, for example, on pages 2, line 3 to page 4, line 11, page 5, line 7 to page 6, line 8, and 16, line 14 to 5 page 17, line 10. Finally, the device of claim 1 includes a protective coating covering the sample contacted surface of the substrate. The protective coating is applied after contact between the sample and the substrate surface. Support for this feature as claimed is found, for example, in the Examples on pages 16-22.

10 The language of Claim 1 as now presented more clearly characterizes all the features of the present invention. In view of the discussion, withdrawal of the rejection under 35 U.S.C. Section 112 is therefore deemed proper and is respectfully requested.

15 Claims 1, 3-5, 30, and 32-33 stand “rejected under 35 U.S.C. 102(b) as being clearly anticipated by Tomita et al. (USP 4,829,187).” This rejection is hereby traversed and reconsideration is respectfully requested.

20 Tomita et al. teach at Col. 5, lines 27-30 and Col. 5, line 67 to Col. 6, line 3, that that the layer (2) contains a photoactivator forming a free radical upon exposure to UV-ray irradiation, and a discoloring agent which exhibits a color change upon reaction with the formed free radical. This is materially different to what is claimed by Applicants.

In the present invention, as described above, device includes a substrate having a surface for supporting at least one complement at fixed locations thereof, and each of

the complement having a binding affinity for a corresponding substance. This feature is not taught or suggested in Tomita et al. Accordingly, the claimed invention is neither anticipated by nor rendered obvious over Tomita et al.

.5 In view of the foregoing, Applicants submit that the present application is in condition for allowance and early passage to issue is therefore deemed proper and respectfully requested.

It is believed that all the requisite fees are enclosed herewith. However, if any  
10 additional fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,



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